

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RAYMOND O. BANKS, :
Plaintiff, : Case No. 3:02cv571
vs. : JUDGE WALTER HERBERT RICE
APPLETON PAPERS, INC., et al., :
Defendants. :

DECISION AND ENTRY SUSTAINING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT ON PLAINTIFF'S RETALIATION CLAIMS
(DOC. #46); DECISION AND ENTRY SUSTAINING PLAINTIFF'S
MOTION FOR RECONSIDERATION (DOC. #51)

Plaintiff, an employee of Defendant Appleton Papers, Inc., brought this employment discrimination litigation against his employer and three of its supervisory personnel. In his Amended Complaint (Doc. #36), he set forth claims of race discrimination under Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e, et seq., and Chapter 4112 of the Ohio Revised Code (First and Second Claims for Relief); claims of retaliation under the same statutory provisions (Third and Fourth Claims for Relief); and claims of hostile work environment by way of racial harassment under those two statutory provisions (Fifth and Sixth Claims for Relief). In its Decision of March 28, 2005 (Doc. #50), the Court concluded that the Defendants were entitled to summary judgment on the First,

Second, Fifth and Sixth Claims for Relief in Plaintiff's Amended Complaint. The Court also noted therein that the Defendants had filed a second motion, with which they requested summary judgment on Plaintiff's claims of retaliation, the Third and Fourth Claims for Relief in his Amended Complaint.¹ Based upon reasoning and citations of authority which will be set forth in an Expanded Opinion, to be filed shortly, the Court sustains Defendants' Motion for Summary Judgment on Plaintiff's Retaliation Claims (Doc. #46).

In response to the Court's Decision of March 28, 2005, the Plaintiff has filed a Motion for Reconsideration (Doc. #51). The Court sustains that motion. In its Expanded Opinion, the Court will reconsider that Decision. If the arguments set forth in Plaintiff's motion convince the Court that it erroneously sustained Defendants' request for summary judgment on any one or more or all of the four claims in question, it will schedule a telephone conference call in order to select a new trial date for this matter. If this Court remains convinced that its earlier Decision was correct, it will enter final judgment in favor of the Defendants and terminate this litigation.

September 29, 2005

/s/ Walter Herbert Rice
WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

¹The Defendants filed their initial request for summary judgment before Plaintiff's Amended Complaint had been filed. With that pleading, Plaintiff amended his retaliation claims.

Counsel of Record.